

§ 102 Rejections

Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Japanese document 2000 80240 A to Doi et al. (hereafter “JP ‘240”). Applicants respectfully traverse this rejection for the following reasons.

In the rejection, the Examiner notes that the effective filing date of the instant application predates the effective date of the AIPA and rejects the claims under the pre-AIPA 35 U.S.C. § 102(e). The pre-AIPA 35 U.S.C. § 102(e) states:

“the invention was described in a patent granted on an application for patent by another filed in the *United States* before the invention thereof by the applicant for patent, or on an *international application* by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of *section 371 (c)* of this title before the invention thereof by the applicant for patent”

(emphasis added). Applicant notes that JP ‘240 is a published Japanese application. It is neither a United States application nor an international application which is the priority document of a United States national phase application under 371(c). Therefore JP ‘240 does not qualify as prior art under 35 U.S.C. § 102(e). Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(e).

In addition, applicants note that the publication date of JP ‘240 is March 21, 2000 while the instant application claims priority to Japanese applications having filing dates ranging from November 12, 1999 to July 28, 2000. Therefore, JP’ 240 does not qualify as prior art under 35 U.S.C. § 102(b).

Conclusion

In view of the above, applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.